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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,702

08/02/2001

Carsten Buck

40983 US

6765

7590

10/18/2004

Tyco Technology Resources
Suite 450
4550 New Linden Hill Road
Wilmington, DE 19808

EXAMINER

ULLAH, AKM E

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,702

Applicant(s)

BUCK ET AL.

Examiner

Akm Enayet Ullah

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 and 7-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/2/01 & 4/10/02</u> . | 6) <input type="checkbox"/> Other: ____ |

Detailed Action

Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Status of the Application

Claims 1- 12 are pending in this application.

If applicant is aware of any prior art or any other co- pending application not already of record, he/she is reminded of his/her duty under 37 CFR 1.56 to disclose the same.

Drawings

This application has been filed on November 15, 2002 with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claimed Foreign Priority—Paper Filed

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2874

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1- 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grois et al (USPNO. 5,506,922)

Grois et al disclose an adapter assembly is provided for mating an optical fiber along an optic axis with an associated fiber optic transmission device. A movable protective shield is adapted for attachment to the body to cover the end face thereof and the shield includes a diverting surface in alignment with the optic axis to prevent light energy transmitted by the optical fiber from being reflected back toward the fiber.

Goris differs from the claimed invention because he does not explicitly disclose the protective device being a slide, which can be moved axially to the receiver and has an aperture for the optical fiber and/or the receiver.

Column 3, lines 29-32 of Goris is the evidence that ordinary skill in the art would find a reason, suggestion or motivation to form an assembly where the protective device being slide. Figure 2 shows that shield can rotate or pivot as indicated by double-headed arrow.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to form an assembly that the shield being a slide which can be moved axially to the receiver and has an aperture for the optical fiber and/or the receiver, since the movable protective shield can pivot (i.e., a sliding action or movement) the slide corresponds to a plug-in direction in which the plug and mating are connected to one another as taught by Goris.

Regarding claim 2, the movement direction of the slide corresponds to a plug-in direction in which the plug and mating are connected to one another mentioned in column 3, lines 29-32 of Goris.

Regarding claim 4, wherein the slide is produced as apart separate from the housing, which is shown in figure 2, the protective shield (70).

Regarding claim 5, the limitation such as the slide is designed in the shape of trough with a front end, is considered as a matter of design choice. Further, including a trough shape of the slide with a front end would provide a device that is capable to prevent light transmitted by optical fiber from being reflected back toward the fiber and also protect the operator's eyes and therefore achieving a protective shield that is safe and its mechanisms are simple and thus would have been an obvious.

Regarding claim 6, the limitation such as the housing comprising two or more axial receivers for a plurality of optical fibers, is considered as a matter of design choice. Further, including more axial receivers for a plurality of optical fibers would provide a device that is capable of performing the function of two separate devices and therefore achieving a device that is compact and cost effective and thus would have been an obvious.

Objections to Claims Allowable Subject Matter

Claims 3 and 7-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hodge et al., Tabone and Cairns are also cited to show a typical plug-in type connector respectively.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akm Enayet Ullah whose telephone number is 571-272-2361. The examiners can normally be reached on Monday through Wednesday from 5:30 am to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on Monday through Friday whose telephone number is 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Akm Enayet Ullah
Primary Examiner
Art Unit 2874

Aullah

October 06, 2004